

FOR UTILITY/DESIGN  
CIP/PCT NATIONAL/PLANT  
ORIGINAL/SUBSTITUTE/SUPPLEMENTAL  
DECLARATIONS

RULE 63 (37 C.F.R. 1.63)  
DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PW  
FORM

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the **INVENTION ENTITLED: MECHANISM FOR PRESERVING PRODUCER-CONSUMER ORDERING ACROSS AN UNORDERED INTERFACE**

COPY OF PAPER  
ORIGINALLY FILED

the specification of which (CHECK applicable BOX(ES))  
X ☐ A. ☐ is attached hereto.  
BOX(ES) → B. ☒ was filed on August 27, 2001 as U.S. Application No. 09/940,292  
→ C. ☐ was filed as PCT International Application No. PCT/ / on

and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. Except as noted below, I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International Application which designated at least one other country than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International Application, filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) no priority claimed, before the filing date of this application:

PRIOR FOREIGN APPLICATION(S)

Number Country Day/MONTH/Year Filed Date first Laid-open or Published Date Patented or Granted Priority NOT Claimed

If more prior foreign applications, copy them and continue on attached page.

Except as noted below, I hereby claim domestic priority benefit under 35 U.S.C. 119(e) or 120 and/or 365(c) of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:

PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S)

Application No. (series code/serial no.) Day/MONTH/Year Filed Status Priority NOT Claimed  
pending, abandoned, patented

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Pillsbury Winthrop LLP, Intellectual Property Group, 1600 Tysons Blvd., McLean, VA 22102, telephone number (703) 905-2000 (to whom all communications are to be directed), and the below-named persons (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete names/numbers below of persons no longer with their firm and to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization who/which it sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct the above Firm and/or a below attorney in writing to the contrary.

Paul N. Kokulis	16773	Glenn J. Perry	28458	Richard H. Zaitlen	27248	James R. Thein	3171
Donald J. Bird	25323	Kendrew H. Colton	30368	Roger R. Wise	31204	Peter Lam	4485
G. Lloyd Knight	17698	G. Paul Edgell	24238	Jack S. Barufka	37087	Gene I. Su	4514
George M. Sirilla	18221	Lynn E. Eccleston	35861	Michael R. Dzwonczyk	36787	Richard C. Calderwood	3544
Kevin E. Joyce	20508	Timothy J. Klima	34852	Joseph R. Bond	36458	Seth Z. Kelson	4067
George M. Sirilla	18221	David A. Jakopin	32995	Sean Fitzgerald	32027	Naomi Obinato	3932
Dale S. Lazar	28872	Mark G. Paulson	30793	Leo V. Novakoski	37198	Steven C. Skabrat	3627
Paul E. White, Jr.	32011	Stephen C. Glazier	31361	Mark Seeley	32299	Robert G. Winkle	3747
Alan K. Aldous	31905	Robert D. Anderson	33826	Raymond J. Werner	34752	Eric S. Chen	4354
Jeffrey S. Draeger	41000	Cynthia Thomas Faatz	39973	Calvin E. Wells	43256		
David J. Kaplan	41105	Charles A. Mirho	41199	W. Patrick Bengtsson	32456		
Thomas C. Reynolds	32488	Kenneth M. Seddon	43105	Adam R. Hess	41835		
Howard A. Skaist	36008	Steven C. Stewart	33555	William P. Atkins	38821		
Charles K. Young	39435	Thomas Raleigh Lane	42781	Paul L. Sharer	36004		

(1) INVENTOR'S SIGNATURE:

Date:

Kenneth	C.	CRETA	
First	Middle Initial	Family Name	
Residence	Gig Harbor	Washington	USA
City	State/Foreign Country	Country of Citizenship	
Post Office Address	3010 37 <sup>th</sup> Street N.W.		
(include Zip Code)	98335		

(2) INVENTOR'S SIGNATURE:

Date:

Bradford	B.	CONGDON	
First	Middle Initial	Family Name	
Residence	Olympia	Washington	USA
City	State/Foreign Country	Country of Citizenship	
Post Office Address	8242 61 <sup>st</sup> Avenue NE		
(include Zip Code)	98516		

FOR ADDITIONAL INVENTORS, "X" box ☒ and proceed on the attached page to list each additional inventor.  
☐ See additional foreign priorities on attached page (incorporated herein by reference).

**(3) INVENTOR'S SIGNATURE:****Date:**

Tony		RAND	
First	Middle Initial	Family Name	
Residence	Tacoma	Washington	USA
City		State/Foreign Country	Country of Citizenship
Post Office Address		1917 154 <sup>th</sup> St. Ct. E	
(include Zip Code)		98445	

(M#)

**(4) INVENTOR'S SIGNATURE:****Date:**

Deepak		RAMACHANDRAN	
First	Middle Initial	Family Name	
Residence	Tacoma	Washington	USA
City		State/Foreign Country	Country of Citizenship
Post Office Address		4515 Fairwood Boulevard NE - #467	
(include Zip Code)		98422	

**Rule 56(a) & (b) = 37 C.F.R. 1.56(a) & (b)**  
**PATENT AND TRADEMARK CASES - RULES OF PRACTICE**  
**DUTY OF DISCLOSURE**

- (a) ...Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the [Patent and Trademark] Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability... (b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a prima facie case of unpatentability of a claim or (2) refutes, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability

**PATENT LAWS 35 U.S.C.**

**§102. Conditions for patentability; novelty and loss of right to patent**

A person shall be entitled to a patent unless--

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months\* before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) Before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

**§103. Condition for patentability; non-obvious subject matter**

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the invention pertains.

made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. . . .

- (c) Subject matter developed by another person, which qualified as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

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\* Six months for Design Applications (35 U.S.C. 172).